Supreme Court, U.S.
FILED
06-276 AUG 23 2006
OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 2005

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

CITY OF CONYERS,
CONYERS POLICE DEPARTMENT,
TONY LUCAS,
Lt. JACKIE DUNN,
JAY ARCHER,
DAVID CATHCART,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
(252)236-7912

QUESTIONS PRESENTED

Did the trial court judge breach the Federal Constitution and the United States statutes when he, arbitrarily, failed to consider Plaintiff's petition pursuant to his March 4, 2004 ORDER

Is a litigant entitled to due process of law from a constitutional violation.

Is a civil litigant entitled to judgment relief pursuant to the Federal Rules of Civil Procedure when the evidence indicates that the defendant failed to conform to the requirements of the Federal Constitution and statutes.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG,	)
	)
Petitioner,	)
	)
vs.	)
	)
CITY OF CONYERS, et al,	)
	)
Respondents.	)

Certificate of Interested Persons and Corporate Disclosure Statement

In accordance to Rule 29.6:

Appellant hereby identifies the persons, associations of persons, firms, partnerships or corporations that have an interest in the outcome of the particular case or appeal and any other identifiable legal entities related to a party:

Jay Archer

Arthur O. Armstrong

David Cathcart

The City of Conyers, Georgia

Jackie Dunn

Phillip E. Friduss, Esq.

Hall] Booth] Smith] Slover] P.C.

Kenneth D. Jones, Esq.

Tony Lucas

The St. Paul Fire and Marine Insurance Company

The Honorable Richard W. Story

Respectfully submitted this 19th day of August, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong, Appellant
Arthur O. Armstrong

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
3113 PLEASANT HILL ROAD
ELM CITY, NC 27822
252-236-7912

SUPREME COURT OF THE UNITED STATES

No. 06-12932-G Armstrong v. Conyers, City of

DISCLOSURE OF CORPORATE AFFILIATION AND OTHER ENTITIES WITH A DIRECT FINANCIAL INTEREST IN LITIGATION

Pursuant to 29.6

Arthur O. Armstrong who is Appellant makes the following disclosure:

1. Is party/amicus a publicly held corporation or other publicly held entity?
( ) YES (X) NO

2. Does party/amicus have any parent corporation?
( ) YES (X) NO

3. Is 10 percent or more f the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?
( ) YES (X) NO

4. Is there any other publicly held corporation or publicly held entity that has a direct financial interest in the outcome of the litigation?
( ) YES (X) NO

5. Is the party a trade association?
( ) YES (X) NO

/s/ Arthur O. Armstrong (signature) August 19, 2006 (date)

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(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted	

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and usual course of judicial proceedings or sanctioned such a departure by a lower court, as to call for an supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of United States court of appeals;

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

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Petitioner, Arthur O. Armstrong, respectfully requests that a writ of certiorari be issued to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case.

OPINION BELOW

The opinion of the United States Court of Appeals for the Eleventh Circuit is reported at: Arthur O. Armstrong v. City of Conyers, et al, No. 06-12932-G (11th Cir. 2006) can be found at (App. A). The order of the district court is reported at: Arthur O. Armstrong v. City of Conyers, et al., 1:02-CV-2629-RWS can be found at (App. C).

STATEMENT OF JURISDICTION

The judgment of the United States Court of Appeals for the Eleventh Circuit ("Court of Appeals") was entered on June 26, 2006. The Court of Appeals denied a timely petition for rehearing on August 1, 2006 (App. B).

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

4th Amendment provides: "The rights ... to be secured ... and violating constitutional prohibitions against warrants issued without probable cause."

G. M. Leasing v United States. 426 U.S. 338 (1977).

14th Amendment provides: "... No State shall ... deprive any person of life, liberty or property without due process of law ... nor deny any person ... equal protection of the laws."

Ash v. Board of Ed. of Woodhaven School Dist. 699 F. 2d 822.

28 U.S.C. §1254(1)

42 U.S.C. §1983

42 U.S.C. §§1985 - 1986

STATEMENT OF THE CASE

The fundamental question in this case is whether a litigant is entitled to mandamus relief if the litigant complied with the March 4, 2004 district court Order - filing a Petition and copy of the Order for consideration and the Judge refused to consider such viable Petition. To fully appreciate the significant of the issues presented by this case, it is essential to consider the procedural background.

A. Background of the 2006 Judgment

On or about September 24, 2002, Mr. Armstrong instituted a suit, Arthur O. Armstrong vs. City of Conyers, Lt. Jackie Dunn and Jay Archer alleging civil rights violation. The Honorable District Court Richard W. Story on June 16, 2003 denied plaintiff's motion for failing to state a claim and granted all defendants' motion for summary judgment. On December 1, 2003

he Eleventh Circuit Court of Appeals ffirmed. The incompetent pro se Armstrong nadvertently filed, in district court, mproper motions seeking relief from the efendants when he failed to seek leave o amend plaintiff's complaint. District ourt dismissed action as res judicata. hat district court decided that it had ad enough of plaintiff's incompetency nd decided to restrict the plaintiff ith a March 4, 2004 Order. Finally, after he March 4, 2004 Order, Mr. Armstrong, ithout appealing court's Order, realized he defects and eventually moved district ourt, amid other things, with amended etition for leave to file motion for econsideration with supporting affidavit nd documentation. With the petition for onsideration was the March 4, 2004 Order s required by district court. District ourt refused to consider plaintiff's etition. And since district court refused o consider such viable petition or reached such Order, plaintiff had no hoice other than to file, in the United tates Court of Appeals for the Eleventh ircuit, leave to file Petition for a rit of Mandamus for relief.

. The Proceedings Below

On, but not limited to May 20, 2006, laintiff filed motion for leave to file etition for a writ of mandamus. On June 6, 2006, the Eleventh Circuit Court of ppeals Ordered plaintiff's motion for eave to file a writ of mandamus **DENIED S UNNECESSARY.** Plaintiff confused and njured responded with an improper motion or leave to file motion for relief

pursuant to Rule 27 (a)(2) of the Federal Rules of Appellate Procedure, tantamount to petition for rehearing. On August 1, 2006, the United States Court of Appeals for the Eleventh Circuit, since plaintiff failed to established that the Court overlooked or misapprehended the district court's March 4, 2004 Order and Judge Richard W. Story's refusal to consider the petition or the breach thereof, denied Mr. Armstrong's motion for reconsideration - petition for rehearing.

Armstrong vs. City of Conyers, et al

On July 5, 2002 in Rockdale County, Georgia, the defendants failed to conform to the requirements of the Federal Constitution and the United States statutes Owen v. City of Independence, (1980 US) 63 L. Ed. 2d 673, S. Ct. 1398 when the defendants acted with reckless indifference and wanton disregards for the truth or falsity and the rights of plaintiff and others - Great West Life Assur. Co. v. Levithan, 834 F. Supp. 858 (E.D. Pa. 1993) when the defendants conspired, See Kush v. Rutledge, 460 U.S. 719, 103 S.CT. 1483 75 Ed.2d 413 (1993) to go in disguise on the highway for the purpose of depriving either directly or indirectly, Ash v Board of Ed. of Woodhaven School Dist. 699 F. 2d 822 Mr. Armstrong equal protection of the laws or of equal privileges or immunities under the laws Bell v. Maryland [1964] or for the purpose of hindering or preventing the constituted authorities of any State or Territory from giving or securing to plaintiff in any State or Territory the equal protection of the

laws when the defendants acted with including but not limited to; malice, fraud, RICO, arbitrariness, capriciousness, oppression, defamation, conspiracy, gross negligence, concealment, misrepresentation, deceit, trickery, making false reports and **without probable cause**, Ricci v. Murphy, 1992 CAL Mass, 979 F. 2d 259, stopped and detained Mr. Armstrong, made an entry **without a warrant** onto private areas of personal premise of plaintiff, invaded his privacy and seized his property [driver's license] in violation of the Fourth Amendment to the Constitution of the United States; G. M. Leasing v. United States, 429 U.S. 338 (1977) made libel statements; Masson v. New York Magazine, 501 US 496, 115 L Ed 2d 447 111 S. Ct. to plaintiff's daughters, Courtney and Monica Armstrong that their father operated his vehicle with revoked driver's license. As a direct and proximate result of the defendants' action, plaintiff suffered continuing injuries, including but not limited to; mental distress, psychic injury, injury to his reputation, mental anguish and humiliation, I pray for judgment from the defendants in the sum of $100,000,000.

REASONS FOR GRANTING THE PETITION

(a) a United States court of appeals has entered a decision in conflict with the decision of another United States of appeals in the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort;

or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of the Court's supervisory power;

(b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or a United States Court of Appeals;

(c) a state court of a United States Court of Appeals has decided an important question of federal law that has not been, but should be settled by this Court, or has decided an important federal question in a way that conflicts

CONCLUSION

Because of the foregoing, Mr. Armstrong respectfully requests that his petition for a writ of certiorari be granted.

Respectfully submitted,

Arthur O. Armstrong
8113 Pleasant Hill Road
Elm City, NC 27822
252-236-7912

APPENDIX

APP. A

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FILED
US COURT OF APPEALS
ELEVENTH CIRCUIT
JUN 26, 2006
THOMAS A. KAHN
CLERK

No. 06-12932-G

Dist. Ct. Dkt. No. 02-02629-CV-RWS

IN RE:

ARTHUR O. ARMSTRONG,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Georgia

---

BEFORE: BLACK and BARKETT, Circuit Judges

BY THE COURT:

Arthur O. Armstrong, proceeding pro se, files a petition for a writ of mandamus, asking this Court to award him in excess of $100,000,000 in damages and costs, presumably by ordering the district court to enter judgment in his favor on a closed civil rights action he filed in 2003. Armstrong additionally requests leave to file his mandamus petition, a

hearing on the petition and a stay of the district court proceedings.

Mandamus is available "only in drastic situation, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." Jackson v. Motel 6 Multipurpose, Inc., 130 F 3d 999, 1004 (11th Cir. 1997) Mandamus may not be used as a substitute for appeal, or to control decisions of the district court in discretionary matters. Id. The petitioner has the burden of showing that the claimed right to issuance of the writ is clear and indisputable. In re Loped-Lukis, 113 F. 3d 1187, 1188 (11th Cir. 1997).

Because leave to file his mandamus petition in this Court is not required, Armstrong's motion for leave to file a writ of mandamus is **DENIED AS UNNECESSARY.** Because Armstrong has failed to show that he has a clear right to a stay in the proceedings below, this request is **DENIED.** Armstrong has not demonstrated a clear and indisputable right to a mandamus relief because he appealed the district court's entry of judgment against him in this Court, which affirmed. He cannot now relitigate these matters in a mandamus petition. Accordingly, Armstrong's petition for a writ of mandamus is **DENIED.** Likewise, his request for a hearing on the petition is **DENIED.**

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FILED
US COURT OF APPEALS
ELEVENTH CIRCUIT
No. 06-12932-G
AUG 1, 2006
THOMAS K. KAHN
CLERK
Dist. Ct. Dkt. No. 02-02629-RWS-1

IN RE:

ARTHUR O. ARMSTRONG,

Petitioner.

On Petition for Writ of Mandamus to the United States District Court for the Northern District of Georgia

---

BEFORE: TJOFLAT and BARKETT, Circuit Judges

BY THE COURT:

Arthur O. Armstrong, proceeding pro se, has filed a "motion, in reply to Court's response for relief" and a motion for leave to file motion for reconsideration," which we construe collectively as a motion for reconsideration of this Court's June 26, 2006 order denying his petition for writ of mandamus. A party seeking rehearing

or reconsideration must specifically allege any point of law or fact that this Court overlooked or misapprehended. See Fed. R. App.P.40. In his motion for reconsideration. Armstrong does not allege any point of law or fact that this Court overlooked in denying his mandamus petition. He only reiterates his request for damages and alleges that his amended complaint "cures all defects." Even if this latter allegation were true, this does not entitled him to mandamus relief because he already exhausted the appellate remedies- in the underlying case. Accordingly, Armstrong has failed to establish that the Court overlooked or misapprehended any point of fact in law, and his motion for reconsideration is **DENIED.**

App. C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
USDC
MAR 4, 2004

ARTHUR O. ARMSTRONG,

Plaintiff,

CIVIL ACTION NO
1:02-CV-2629-RWS

v.

CITY OF CONYERS, et al

Defendants.

ORDER

Now before the Court for consideration are Plaintiff Arthur O. Armstrong's Motions to Reopen Action [34], to Amend Pleading [35-1], for Relief [45-1], for permission to File Instant Action [47-1]. for Judgment Pursuant to Rule 60(b) [47-2]. and to proceed in Forma Pauperis [48-1]. After reviewing the entire record. the Court enters the following Order.

On June 17, 2003, this Court entered an Order denying Plaintiff's Motion for Summary Judgment and granting Defendants' Motion for Summary Judgment. The Eleventh Circuit Court of Appeals Affirmed that judgment on December 1, 2003.

Plaintiff's Motions to Reopen Action [34-1] attempts to relitigate issues already decided by this Court and affirmed by the Court of Appeals. Accordingly, they are hereby **DENIED as moot.**

From Plaintiff's Motion for Permission to File Instant Action [47-1] and for judgment Pursuant to Rule 60(b) [47-2], it appears that Plaintiff wishes to open another action alleging the same events and issues already decided in this case, against substantially the same Defendants (with the addition of Rockdale County and several named City of Conyers police officials). Plaintiff has also filed with this Court a request to proceed in fornma pauperis. Plaintiff has failed to comply with the requirements set forth in 28 U.S.C. § 1915(a)(1) for proceeding in forma pauperis. Moreover, because the issues in his proposed new action have already been decided, the Court finds that the new action is frivolous, therefore, Plaintiff's Motion to proceed in Forma Pauperis [48-1] and Motion for Permission to File Instant Action [47-1] are hereby **DENIED**. See 28 U.S.C. § 1915(e)(2) (providing court shall dismiss claim or action that are frivolous).

Although this Court has cautioned Plaintiff about the nature of his filings, a review of Plaintiff's motions in this case reveals a consistent pattern of frivolous filings. The Eleventh Circuit recognizes this Court's authority to impose restrictions on Plaintiff's ability to file. See generally Procup v. Strickland, 792 F.2d 1069 (11th Cir. 1986)(outlining potential restrictions). As Procup explained: "Federal courts have both the inherit power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Articles III functions ...

The court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others." Id. at 1073-74 (internal citations omitted)

The Court finds that it is necessary to enjoin Plaintiff from making future filing in this case to protect the Court's jurisdiction. Accordingly, the Court hereby **ENJOINS** Plaintiff Arthur O. Armstrong from making future filings in this case and from attempting to open new actions without complying with the following procedures. If Plaintiff wishes to make a filing in this case or open a new action, he must submit a Petition for Leave to File, along with a proposed document for filing and a copy of this Order, to this Court for consideration. The Clerk is hereby **DIRECTED** that if Petitioner submits such a Petition, the Clerk shall forward the Petition and accompanying documents to the undersigned for consideration. The Clerk is further **DIRECTED** not to docket a filing or open a case file in such circumstances until this Court issues an Order so directing. If Petitioner fails to comply with this Order by submitting a document for filing without a Petition and copy of this Order, the Clerk is **DIRECTED** to return the document to Petitioner.

SO ORDERED this 2nd day of March, 2004.

/s/ Richard W. Story
RICHARD W. STORY
UNITED STATE DISTRICT JUDGE

The Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fourth Amendment:
The right of the people to be secured in their person, house, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

42 U.S.C. § 1983: "Every person who under color of any statute, ordinance, regulation, custom or usages, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privil-

eges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

42 U.S.C. §§1985 and 1986

"If two or more persons in any State of Territory conspire or go in disguise on the highway or on the premise of another, for the purpose of depriving, either directly of indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory the equal protection of the laws * * *: in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so inured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirator."

Section 1986 provides:
"Every person who having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having the power to prevent, or aid in the preventing the commission of the same neglects or refused so to do. If such wrongful act be committed, shall be liable to the party injured, or his legal representatives for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case, and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action ***

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG	02-CV-02629-RWS
vs.	PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION WITH SUPPORTING AFFIDAVIT AND DOCUMENTATION(BRIEF ¶II)
CITY OF CONYERS, et al	

COMES NOW, Arthur O. Armstrong, the plaintiff in this action and moves this Honorable Court, with supporting affidavit and documentation, for leave to file motion for reconsideration for reason more fully set forth in the party's Brief.

IN SUPPORT HEREOF, Arthur O. Armstrong respectfully shows unto the Court that:

I. On or about September 24, 2002, plaintiff filed action in this court alleging civil rights violation, captioned: Armstrong vs. City of Conyers, Jackie Dunn and Jay Archer, No. 02-CV-2629. On or about June 17, 2003, plaintiff's complaint was dismissed and summary judgment was granted to all of the defendants on grounds that the City is not liable in section 1983 actions for the actions of its employees under the doctrine of respondeat superior and the individual officers are entitled to qualified immunity. That plaintiff's amended pleadings cures all defects.

NOW THEREFORE, plaintiff submits the following Brief in support of his motion.

II. On or about July 5, 2002 in Rockdale County, GA, the defendants acted in a conspiracy against the plaintiff In the furtherance of such a conspiracy the defendants failed to conform to the requirements of the Federal Constitution and the statutes (affidavit, p. 1, ¶9. That defendant Jay Archer acted with defamation against plaintiff in stating falsely to his daughters that plaintiff was operating his vehicle with revoked driver's license (id., ¶11). Defendants aided and abetted after the fact such a conspiracy (id., ¶13); and plaintiff was deprived of havinfg and exercising any right or privilege of a citizen of the United States (id., ¶15). As a direct and proximate result of the defendants' action, the plaintiff suffered continuing injuries including but not limited to: mental distress, mental anguish, psychic injury injury to his reputation and humiliation to the sum of $100,000,000 (id., ¶16).

SUMMARY:

Because of the foregoing, the plaintiff respectfully requests that motion for leave to file motion for reconsideration for relief, pursuant to the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this 18th day of January, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong

Arthur O. Armstrong, Plaintiff

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I affirm or swore under penalty of perjury under United States laws that the foregoing and within statements are true and correct (28 U.S.C. §1746.)

January 21, 2006.

/s/ Arthur O. Armstrong
Arthur O. Armstrong, Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties a coy of the within and foregoing motion for judgment by depositing a copy of same in the United States Mail with adequate postage affixed thereon to ensure delivery in an envelope addressed as follows:

U.S.

REGULAR MAIL
Phillip E. Friduss
Brandi Michelle Kellis
Hall Booth Smith & Slover
1180 West Peachtree Street
For the Northern District of Georgia
NW - Suite 900
Atlanta, Georgia 30309

January 18, 2006 /s/ Arthur O. Armstrong

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG, PLAINTIFF,	) CIVIL RIGHTS VIOLATION
vs.	)42 U.S.C. §§1983 1985 -86
CITY OF CONYERS, CONYERS POLICE DEPARTMENT, TONY LUCAS, Lt. JACKIE DUNN, JAY ARCHER, DAVID CATHCART, DEFENDANTS.	) **AMENDED COMPLAINT**

Plaintiff alleges and says:

1. Plaintiff resides in the City of Elm City, County of Wilson and State of North Carolina.

2. Defendant John Doe is the mayor of the City of Conyers.

3. Defendant City of Conyers is a municipal corporation duly organized and existing and operating under the laws of the State of Georgia.

4. Defendant Conyers Police Department is duly organized and incorporated, existing and operating under the City for the purpose of law and order for the City.

5. Defendant Tony Lucas is the chief of police, for the Conyers Police Department.

6. Defendant Jackie Dunn is a police officer for the City of Conyers.

7. Defendant Jay Archer is a police officer for the City of Conyers.

8. Defendant David Cathcart is

deputy Chief of the Conyers Police Department.

9. On or about July 5, 2002 in Rockdale County, Georgia, the defendant, Tony Lucas, acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when defendant's officers, Lt. Jackie Dunn and Jay Archer conspired to in disguise go on the highway and the premise of plaintiff for the purpose of depriving, either directly or indirectly, plaintiff of equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to plaintiff the equal protection of the laws when the defendants failed to conform to the requirements of the federal constitution and statutes when Lt. Jackie Dunn and Jay Archer acted with reckless indifference and wanton disregard for the rights of plaintiff and others when the defendants acted with including but not limited to: arbitrariness, capriciousness, fraud, malice, oppression, trickery, concealment, misrepresentation, deceit, falsity, defamation, gross negligence and RICO and, **without probable cause**, stopped and detained plaintiff, made an entry without a warrant onto private areas of personal premise of plaintiff, searched and seized his drivers license and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States.

10. That the conduct complained of was engaged in under color of state

law and that such conduct subjected plaintiff of the deprivation of rights, privileges and amenities secured by the federal constitution and the United States statutes while engged in the conduct complained of.

11. That defendant Jay Archer acted with defamation against plaintiff in calling and telling plaintiff's daughters, Courtney and Monica Armstrong, that their father, the plaintiff, was operating such vehicle with revoked drivers license and that they bring a licensed driver to legally move and operate such revoked licensed driver's car. That plaintiff's license has never been properly revoked in any way.

12. That the defendants had knowledge of the wrongs conspired to be done and had the power to prevent or aid in preventing the commission of the same but neglected and failed so to do.

13. That the defendants aided and abetted after the fact such a conspiracy.

14. 42 U.S.C. §1985 prohibits all conspiracies to interfere with civil rights and §1986 proscribes knowing neglect to prevent (or aid after the fact) such a conspiracy.

15. Plaintiff was deprived of having and exercising any right or privilege of a citizen of the United States.

16. As a direct and proximate result of defendants' action, plaintiff suffered continuing injuries including but not limited to: mental distress, mental anguish, psychic injury, injury to his reputation and humiliation. I pray for judgment in the sum of $100,000,000.00.

WHEREFORE, plaintiff prays for

judgment in the sum of $100,000,000.00 as follows:

1. Compensatory and punitive damages in the sum of $100,000,000.00 under 42 U.S.C. §§1983, 1985 & 1986 - Civil Rights Act.

2. For attorneys' fees under 42 U.S.C. §1988 - Attorney's Awards Act, or as a component of punitive damages.

3. For costs and expenses and such other and further relief as the court deems just and proper.

Respectfully submitted this the 1st day of January, 2006.

Respectfully submitted,

/s/ Arthur O. Armstrong
Arthur O. Armstrong, Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demand trial by jury on all issues raised by the pleadings in this case.

/s/ Arthur O. Armstrong
Arthur O. Armstrong, Plaintiff

(2)

06-276

FILED
OCT 9 - 2006
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Supreme Court of the United States

October Term, 2006

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

CITY OF CONYERS,
CONYERS POLICE DEPARTMENT,
TONY LUCAS,
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JAY ARCHER,
DAVID CATHCART,

TO BE REPRINTED

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Eleventh Circuit

SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
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(252)236-7912

06-276

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October Term, 2006

ARTHUR O. ARMSTRONG,

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SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
(252)236-7912

QUESTIONS PRESENTED

Whether the trial court, Judge Richard W. Story, denied plaintiff's motion for leave to file motion for reconsideration.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG NO. 06-276

vs.

CITY OF CONYERS, GEORGIA, et al

SUPPLEMENTAL PETITION FOR A WRIT

TO: THE HONORABLE SUPREME COURT OF THE UNITED STATES:

Petitioner, Arthur O. Armstrong, respectfully, files supplemental petition for a writ to review the Order/Decree of Judge Richard W. Story, dated: January 10, 2006. The Order and Decree appealed from is described as follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG :
v. :
CITY OF CONYERS, GEORGIA, et al: ORDER

AND NOW this 10th day of January, 2006, upon consideration of plaintiff's motion for leave to file motion for Reconsideration and the Response of defendant, if any, it is hereby ORDERED and DECREED that plaintiff's motion be GRANTED.

BY THE COURT:

RICHARD W. STORY, J.

Facts

The plaintiff failed to perfect the appeal in submitting the motion for reconsideration without submitting the accompanying order which provides for the interlocutory order; thereby rendering the plaintiff's to the nonappealability of right of an interlocutory order granting plaintiff's motion.

Reasons Why Writ Should Issue

The interlocutory order makes it impractical for petitioner to proceed further in trial court; that irreparable harm will result to petitioner and will continue to result if petitioner's appeal is not perfected with the interlocutory order. Said Order and Decree directly involves a substantial question arising under the Fourth and Fourteenth Amendments to the Constitution of United States and under Article 1, Section 20 of the Constitution of the State of North Carolina, in that it deprives rights secured thereunder to the plaintiff by overruling plaintiff's assignment of error to the denial of his Motion for leave to file Motion for Reconsideration, thereby depriving plaintiff of his constitutional right not to be deprived of life, property, or liberty, without due process of law; nor be denied equal protection of the laws. This constitutional issue was timely raised in the trial tribunal by plaintiff's Motion for reconsideration prior to the trial of plaintiff.

The meritorious basis of petitioner's proposed assignments of error, etc., is that in Rockdale County, Georgia, the defendants acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when they failed to conform to the requirements of the federal constitution and the laws of the United States, when they conspired to go onto the highway in disguise to deprive either directly or indirectly, Mr. Armstrong of equal protection of the laws or of equal privileges or immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to plaintiff the equal protection of the laws when they acted with including but not limited to: malice, falsity, oppression, trickery, defamation, fraud, RICO, arbitrariness, capriciousness, and without probable cause, stopped and detained plaintiff, made an entry, without a warrant, onto private areas of personal premise of plaintiff; invaded his privacy and seized property in violation of the Fourth Amendment to the Constitution of the United State. They aided and abetted after the fact such a conspiracy. I pray for judgment in the sum of $100,000,000.

WHEREFORE, petitioner respectfully prays that this Court issues its writ of certiorari to the United States District Court for the Northern District of Georgia and/or United States Court of Appeal for the Eleventh Circuit if appropriate, to

review the Order/Decree above specified, upon error (Trial court committed reversible error in denying plaintiff's motion for leave to file motion for reconsideration.) assigned in the record on appeal constituted in accordance to the Federal Rules of Appellate Procedure.

Respectfully submitted this the 10th day of October, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

October 10, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
252-236-7912

(3)

No. 06-276

FILED
NOV 13 2006
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The

Supreme Court of the United States

October Term, 2006

ARTHUR O. ARMSTRONG,

Petitioner,

vs.

CITY OF CONYERS,
CONYERS POLICE DEPARTMENT,
TONY LUCAS,
LT. JACKIE DUNN,
JAY ARCHER,
DAVID CATHCART,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

PETITION FOR REHEARING

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NORTH CAROLINA 27822
(252)236-7912

Counsel for Petitioner

QUESTIONS PRESENTED

1. Whether the trial court Judge, Richard W. Story, erred when he denied plaintiff's motion for leave to file motion for reconsideration without due process of law.

2. Whether the trial court Judge, Richard W. Story, erred, in denying plaintiff's timely and properly raised constitutional issue by denying plaintiff's motion for reconsideration without due process of law.

3. Whether the trial tribunal deprived plaintiff of rights, privileges and amenities secured by the federal constitution and the United States Statutes when district court denied plaintiff's motion for leave to file motion for reconsideration without due process of law.

SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG NO. 06-276
vs.
CITY OF CONYERS, GEORGIA, et al

Petitioner, Arthur O. Armstrong, for compelling reasons, respectfully, requests this Court for rehearing to review the Order/Decree of Judge Richard W. Story, dated: January 10, 2006. The Order and Decree appealed from is described as follows:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG :
v. : ORDER
CITY OF CONYERS, GEORGIA, et al:

AND NOW this 10th day of January, 2006, upon consideration of plaintiff's motion for leave to file motion for Reconsideration and the Response of defendant, if any, it is hereby **ORDERED** and **DECREED** that plaintiff's motion be **GRANTED.**

BY THE COURT:

RICHARD W. STORY, J.

Facts

The petitioner failed to perfect the appeal in submitting the motion for reconsideration without submitting the accompanying order which provides for the interlocutory order; thereby rendering

the petitioner's to the nonappealability of right of an interlocutory order granting petitioner's motion.

Reasons Why Writ Should Issue

The interlocutory order makes it impractical for petitioner to proceed further in trial court; that irreparable harm will result to petitioner and will continue to result if petitioner's appeal is not perfected with the interlocutory order. Said Order and Decree directly involves a substantial question arising under the Fourth and Fourteenth Amendments to the Constitution of United States and under Article 1, Section 20 of the Constitution of the State of Georgia, in that it deprives rights secured thereunder to the plaintiff by overruling plaintiff's assignment of error to the denial of his Motion for leave to file Motion for Reconsideration, thereby depriving petitioner of his constitutional right not to be deprived of life, property, or liberty, without due process of law; nor be denied equal protection of the laws. This constitutional issue was timely raised in the trial tribunal by petitioner's Motion for reconsideration prior to the trial of petitioner. This constitutional issue was determined erroneously by the Court of Appeals.

WHEREFORE, petitioner respectfully prays that this Court issues its writ of certiorari to the United States District Court for the Northern District of Georgia and/or United States Court of Appeal for the Eleventh Circuit to

review the Order/Decree above specified, upon error (Trial court committed reversible error in denying petitioner's motion for leave to file motion for reconsideration.) assigned in the record on appeal constituted in accordance to the Federal Rules of Appellate Procedure.

Respectfully submitted this the 10th day of November, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner
252-236-7912

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear or affirm under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. §1746.)

November 10, 2006.

/s/ Arthur O. Armstrong, Petitioner
Arthur O. Armstrong, Petitioner

OF COUNSEL:

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8113 PLEASANT HILL ROAD
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